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In re Application of : OFFICE OF PETITIONS  
Robert E. Fontana et al :  
Application No. 09/638,663 : DECISION GRANTING PETITION  
Filed: August 14, 2000 : UNDER 37 CFR 1.137(b)  
Attorney Docket No. SJO990203US1 :

This is a decision on the petition under 37 CFR 1.137(b), filed August 28, 2003 and June 23, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed October 23, 2002, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on January 24, 2003. A Notice of Abandonment was mailed on July 1, 2003.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a Request for Continued Examination (RCE) and submission pursuant to the provisions of 37 CFR 1.114; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office action of October 23, 2002 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-8680.

The application file is being forwarded to Technology Center AU 2653 for processing the RCE filed on June 23, 2004 and for further action as the nature of the case requires.

  
Frances Hicks

Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy